

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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NATHANIEL KOPP,

Plaintiff,

v.

Case No. 17-cv-368-pp

PAN AM COLLECTIONS, INC.,

Defendant.

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**ORDER GRANTING PLAINTIFF'S MOTION  
TO DISMISS WITH PREJUDICE (DKT. NO. 20)**

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This FDCPA case has a bit of a tortured history. The plaintiff, represented by New Jersey counsel, filed the complaint in March 2017. Dkt. No. 1. The court set discovery and dispositive motions deadlines; neither party filed a dispositive motion. At a status conference in June 2018, the defendant expressed an intent to try the case; the court responded that it was shocked that the parties could not resolve this straightforward FDCPA case. Dkt. No. 8. It encouraged the parties to consider mediation. Id. The parties followed up by asking the court to set a dispositive motions deadline—despite the fact that the one the court previously set had passed. Dkt. No. 10. The court referred the case to Judge Goodstein for mediation. Dkt. No. 11. Judge Goodstein set the mediation hearing for September 27, 2018 at 9:30 a.m. Dkt. No. 14. The day before the mediation, counsel for the plaintiff asked to appear by phone. Dkt. No. 15. This court denied that motion. Dkt. No. 16. In a letter later that day,

counsel indicated that he and the plaintiff would not be attending the mediation; he indicated that he'd offered to dismiss the case with prejudice, but that he had not heard back from counsel for the defendant. Dkt. No. 17. Neither side showed up for the mediation (although Judge Goodstein did), dkt. no. 18; Judge Goodstein returned the case to this court.

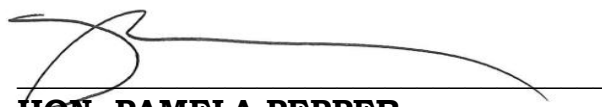
On October 15, 2018, the plaintiff filed a motion to dismiss with prejudice under Rule 41(a)(2). Dkt. No. 20. The plaintiff states that the parties could not agree on to a stipulated dismissal, because the defendant "refuses to even entertain the possibility of settlement and wishes to proceed to trial." Id. at 1. According to counsel for the plaintiff, the defendant did not agree to dismissal with prejudice. Id. at 2.

The defendant has not filed any response to the plaintiff's motion to dismiss his own case with prejudice. While the court is mystified by the defendant's obstreperousness, and by the way both parties have litigated this case, it has no objection to the motion to dismiss, and sees no point in going forward with the case.

The court **GRANTS** plaintiff's motion to dismiss this case with prejudice. Dkt. No. 20. The court **DISMISSES** this case with prejudice.

Dated in Milwaukee, Wisconsin this 17th day of January, 2019.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**United States District Judge**